

§7.6 – IN-HOME OCCUPATIONS

A. PURPOSE: The Standards of this Section dealing with home occupations are designed to protect and maintain the residential character of a property while permitting certain limited commercial activities which are traditionally carried out in a home. The purpose of rural home occupations is to provide a means for residents with property that is unincorporated section land outside of residential or commercial areas to be able to conduct the home occupation in an accessory building where necessary, and to park onsite, vehicles required for the home occupation. Rural home occupations, where permitted, must meet the following special requirements.

DEFINITION: Home occupation is defined as any business, occupation or activity conducted for monetary gain within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building.

B. GENERAL STANDARDS:

1. Such use is clearly incidental and secondary to the residential use of the dwelling and does not change the residential character thereof.
2. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling; or outside the dwelling unit if conducted in rural home occupation.
3. Home occupations that meet all the requirements of this ordinance are exempt from site plan review.
4. If there are any changes proposed in the dwelling or in the plumbing or the electrical system, building permits will be required.

C. CLASSIFICATIONS: There are two primary classifications of in-home occupations: residential and rural. Residential in-home occupations are typically associated with residential properties in platted subdivisions and other residential areas with lot sizes smaller than 5.00 acres. Rural in-home occupations shall be for residential properties that are 5 acres or more in size.

- 1. Residential Minor (EXEMPT):** A minor in-home occupation is one where residents use their home as a place of work;
 - a. No more than one (1) family member employee and no more than (1) one customers/clients at a time may be present on the site.
 - b. No dedicated and regular bulk deliveries shall be made to the site.

- c. No more than twenty-five (25%) percent of the floor area of the home and any accessory building is utilized in the day to day operations of the home based business.
 - d. No outdoor storage of materials or equipment related to the home occupation shall be permitted. No outdoor activity related to the home occupation shall be permitted.
 - e. No more than one (1) employee vehicle plus one (1) customer vehicle may be present at any one time.
 - f. No home occupation permit is required and no planning review is required.
2. **Residential Major (Administrative):** A major in-home occupation is one where the residents use more than twenty-five (25%) percent of their home plus an accessory building as a place of work, and up to three (3) non-resident employees (business partner, co-owner, or other person affiliated with the business who **does not reside** at the site) works at the site **OR** up to eight (8) customers/clients per day come to the site. An in-home occupation permit and administrative planning review is required.
- a. No display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling shall be allowed including, advertising signs or displays. Applicants may request a one (1) square foot sign to be shown on the site plan to be approved by staff.
 - b. No materials or equipment associated with the home occupation shall be stored outside the building.
 - c. The home occupation shall not involve the use for delivery of materials to and from the premises.
 - d. The on-site, over-night parking of (1) one commercial vehicle and/or (1) one employee vehicle is allowed.
 - e. The applicant must provide proof that existing septic system is adequate for the proposed business and that any other local, state, or federal requirements shall be met as applicable.
3. **Rural Minor (EXEMPT):** A minor rural home occupation shall maintain and preserve the agricultural or rural character of the area and not create a nuisance for the residents in the area by exceeding traffic, smoke, and noise or be a fire hazard. A minor rural home occupation is one where residents use their home and or an associated accessory structure as a place of work;

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- a. No more than (3) three employees and no more than (1) one customers/clients per day come to the site.
- b. No more than (1) one delivery is made on site. No more than 25 percent of the property is utilized in the day to day operations of the home based business.
- c. No outdoor storage of materials or equipment related to the home occupation shall be permitted. No outdoor activity related to the home occupation shall be permitted.
- d. No home occupation permit is required and no planning review is required.

4. Rural Major (MAJOR): A major rural home occupation is one in which the primary resident use more than 25 percent of the home or 50 percent of an adjacent accessory building, or 1000 combined square feet of any accessory building on the property as a place of work. A home occupation permit and administrative planning review is required.

- a. The minimum lot size is 5.00 acres, excluding any and all lots in a platted subdivision.
- b. The rural home occupation shall be clearly subordinate to the principle use of the parcel of land and shall not change the residential and agricultural character of the area.
- c. No delivery activity shall adversely affect traffic for adjacent and surrounding properties
- d. No more than five (5) trade vehicles shall be parked on the premises. No more than five (5) employee vehicles may be parked on the premises at any time. Up to three (3) customers may be parked on site at one time.
- e. No outside storage of equipment or materials used in the daily operations of the rural home occupation, including trade vehicles, is permitted unless said storage is outside of a 200 foot setback of any property line buffered in a manner approved by the Planning Department.
- f. The rural home occupation is limited to residents of the property and (5) five non-resident employee (business partner, co-owner, or other person affiliated with the business who does not reside at the site).

D. PROCESS: Major Residential and Rural home occupations require administrative review by the Benton County Planning Office. A permit for a home occupation shall be revocable by planning staff because of the failure of the home or business owner or operator of the use covered by the permit to observe all requirements of the permit and this Ordinance. Applicants should submit the following in order to complete the review process.

1. Home Occupation Permit: A home occupation permit is required for Major and Rural home occupation categories. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
2. A site plan indicating the following;
 - a. Location of primary residential dwelling and any accessory dwellings to be used for proposed occupation
 - b. Location of any parking areas for customers as well as parking for both employee and work vehicles
 - c. Location of primary access to property
 - d. Location of any building and property setback required by Benton County
3. A permit fee of fifty (50) dollars

ASSORTED BIBLIOGRAPHY: